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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

DEAUDRE FOSTER,

Defendant and Appellant.

B240510

(Los Angeles County  
Super. Ct. No. NA090727)

APPEAL from a judgment of the Superior Court of Los Angeles County, Judith Levy Meyer, Judge. Dismissed.

Richard B. Lennon, under appointment by the Court of Appeal, for Defendant and Appellant.

Kamala D. Harris, Attorney General, Dane R. Gillette, Chief Assistant Attorney General, Lance E. Winters, Assistant Attorney General, Steven D. Mercer, Deputy Attorney General, for Plaintiff and Respondent.

Defendant, Deaudre Foster, purports to appeal after he pled no contest to drug charges on January 24, 2012. Sentenced on the same date, his notice of appeal was not filed until April 12, 2012. We noted the appeal may be untimely. We have a duty to raise the issue of our own jurisdiction on our own motion and thus issued an order to

show cause re: dismissal. (*Jennings v. Marralle* (1994) 8 Cal.4th 121, 126; *Olson v. Cory* (1983) 35 Cal.3d 390, 398.) We appointed counsel, allowed briefing and scheduled oral argument solely on the dismissal issue.

Defendant's notice of appeal was not timely filed. (Cal. Rules of Court, rule 8.308(a).) It was filed more than 60 days after he was sentenced. Thus, his appeal must be dismissed. (*People v. Pritchett* (1993) 20 Cal.App.4th 190, 195.)

The appeal is dismissed.

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TURNER, P. J.

We concur:

ARMSTRONG, J.

KRIEGLER, J.